## PATENT COOPERATION TREATY

# **PCT**

# TRANSLATION INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P28769/WO Kf	FOR FURTHER ACTION	See Form PCT/IPEA/416							
International application No.	International filing date (day/mor	nth/year) Priority date (day/month/year)							
PCT/EP2004/012808	11.11.2004	15.12.2003							
International Patent Classification (IPC) or national classification and IPC  F04B49/00, F04B49/08									
Applicant									
BRUENINGHAUS HYDROMATIK GMBH									
<ol> <li>This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</li> </ol>									
2. This REPORT consists of a total of	<b>4</b> sh	eets, including this cover sheet.							
3. This report is also accompanied by A	ANNEXES, comprising:								
a. (sent to the applicant an	l to the International Bureau) a tota	l of 2 sheets, as follows:							
sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).									
sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.									
	Bureau only) a total of (indicate ty	pe and number of electronic carrier(s))							
(sem to the fluctuations)	Direction only) a total of (marcale ty								
, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).									
This report contains indications relat	ing to the following items:								
Box No. I Basis of th	e report								
Box No. II Priority									
Box No. III Non-estable	ishment of opinion with regard to n	ovelty, inventive step and industrial applicability							
Box No. IV Lack of un	ity of invention								
	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement								
Box No. VI Certain do	cuments cited								
Box No. VII Certain de									
Box No. VIII Certain ob	Box No. VIII Certain observations on the international application								
Date of submission of the demand	Date of co	mpletion of this report							
Name and mailing address of the IPEA/EP	Authorized	officer							
Facsimile No.	Telephone	No.							

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/012808

Box	No. I		Basis of the report						
1.			o the language, this report is based on the internation er this item.	nal application in the language in	which it was filed, unless otherwise				
			port is based on translations from the original langua s the language of a translation furnished for the purp		,				
		in	ternational search (Rule 12.3 and 23.1(b))						
		р	ablication of the international application (Rule 12.4)	)					
		in	ternational preliminary examination (Rule 55.2 and/	or 55.3)					
2.	rece		gard to the <b>elements</b> of the international application, this report is based on (replacement sheets which have been furnished to the g Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to ort):						
		the inter	rnational application as originally filed/furnished						
	$\boxtimes$	the desc	cription:						
		pages	1–17		as originally filed/furnished				
		pages*		received by this Authority on					
		pages*		received by this Authority on					
	$\boxtimes$	the clair	ms:						
		nos.			as originally filed/furnished				
		nos.*			r with any statement) under Article 19				
		nos.*	1-6	received by this Authority on	17.10.2005 with letter of 17.10.2005				
		nos.*							
	$\boxtimes$	the drav							
		sheets			as originally filed/furnished				
		sheets*							
		sheets*							
	П		nce listing and/or any related table(s) – see Suppleme						
	$\Box$			chiai Box Relating to sequence E	isting.				
3.	ш		endments have resulted in the cancellation of:						
			e description, pages						
			the claims, nos.						
			e drawings, sheets/figs						
	_		ny table(s) related to sequence listing (specify):						
4.	Ш	they hav	port has been established as if (some of) the amend we been considered to go beyond the disclosure as fil	ed, as indicated in the Supplemen	ntal Box (Rule 70.2(c)).				
		L th	ne description, pages		<u> </u>				
		L th	ne claims, nos.						
		∐ th	e drawings, sheets/figs						
		L th	ne sequence listing (specify):						
		ar	ny table(s) related to sequence listing (specify):						
*	If ite	em 4 appli	ies, some or all of those sheets may be marked "supe	erseded."					

#### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/EP2004/012808

Вох			ticle 35(2) with regard to novelty, inventive step or industrial applicability; oporting such statement	
1.	Statement			
	Novelty (N)	Claims	1-6	YES
		Claims	_	_ NO
	Inventive step (IS)	Claims	1-6	_ YES
		Claims		_ NO
	Industrial applicability (IA)	Claims	1-6	_ YES
		Claims		NO

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D4: EP-A-0 561 153 (HYDROMATIK GMBH; BRUENINGHAUS HYDROMATIK GMBH) 22 September 1993 (1993-09-22).

D4 is considered to be the closest prior art and discloses a device for controlling the total displacement of two pumps, 2 and 42, the delivery volume of which can be adjusted by means of a total displacement control valve, 18 and 58.

The claimed total displacement control device differs from that of D4 in that, on one valve piston of each total displacement control valve, there is a measuring surface to which a working pressure of the - in each case - other pump is directly applied, and in that a force that is proportional to the displacement of one pump can be applied to the valve piston of the associated total displacement control valve of said pump in the same direction as the hydraulic force acting on the measurement surface.

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### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Thus, the present invention addresses the problem of devising a total displacement control device requiring no more parts than those for a separate displacement control system.

None of the prior art documents contains or suggests anything that might indicate the features of claim 1 in combination.

The invention is clearly industrially applicable.

The dependent claims relate to further embodiments of the unit according to claim 1 and, in consequence, likewise satisfy the requirements of the PCT in respect of novelty and inventive step.